

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARLYLE AVIATION MANAGEMENT LIMITED, ACCIPITER INVESTMENTS AIRCRAFT 4 LIMITED, VERMILLION AVIATION (TWO) LIMITED, ACCIPITER HOLDINGS DAC, MAVERICK AVIATION HOLDINGS LTD., MANCHESTER AVIATION FINANCE S.à r.l., WELLS FARGO TRUST COMPANY, N.A., not in its individual capacity but solely in its capacity as OWNER TRUSTEE, UMB BANK, N.A., not in its individual capacity but solely in its capacity as OWNER TRUSTEE,

Plaintiff,

v.

FRONTIER AIRLINES, INC.,

Defendant.

Case No.: 1:23-cv-4774 (PAE)
[rel. 1:22-cv-02943 (PAE)]

STIPULATION AND ORDER

WHEREAS, on July 26, 2023, Defendant-Counterclaim Plaintiff Frontier Airlines, Inc. (“Frontier”) filed an Answer and Counterclaims [Dkt. No. 18];

WHEREAS, on August 16, 2023, Plaintiffs-Counterclaim Defendants (“Plaintiffs”) filed a motion to dismiss the Counterclaims [Dkt. No. 25];

WHEREAS, on August 17, 2023, the Court entered an Order that (i) Frontier shall file any amended counterclaims by September 6, 2023; (ii) if Frontier does amend its counterclaims, Plaintiffs shall, by September 27, 2023, (1) file an answer, (2) file a new motion to dismiss, or (3) submit a letter to the Court, copying defendant, stating that they rely on the previously filed motion to dismiss; and (iii) if Plaintiffs file a new motion to dismiss or rely on their previous motion, Frontier’s opposition will be due 14 days thereafter, and Plaintiffs’ reply, if any, will be

due seven days after that [Dkt. No. 27];

WHEREAS, on September 6, 2023, Frontier filed an Amended Answer and Counterclaim [Dkt. No. 30];

WHEREAS, on September 27, 2023, Plaintiffs filed a motion to dismiss the Amended Counterclaim (the “Motion to Dismiss the Amended Counterclaim”) [Dkt. No. 32]; and

WHEREAS, counsel for the parties have conferred on a briefing schedule for Plaintiffs’ Motion to Dismiss the Amended Counterclaim; and

WHEREAS, this is the first request for an extension of time to respond to Plaintiffs’ Motion to Dismiss the Amended Counterclaim;

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto, through their undersigned counsel, as follows:

1. Frontier shall file its opposition to the Motion to Dismiss the Amended Counterclaim on or before October 23, 2023.
2. Plaintiffs shall file their reply in further support of the Motion to Dismiss the Amended Counterclaim on or before November 3, 2023.

IT IS SO STIPULATED.

Dated: October 3, 2023
New York, New York

MILBANK LLP

/s/ Jed M. Schwartz

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Counsel for Plaintiffs

Granted.

IT IS SO ORDERED.

BINDER & SCHWARTZ LLP

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Counsel for Frontier Airlines, Inc.



HON. PAUL A. ENGELMAYER
United States District Judge

Dated: October 3, 2023
New York, New York